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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Philippe Gentric

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHIN, KYUNG H

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/963,630	Applicant(s) GENTRIC, PHILIPPE	
	Examiner Kyung Hye Shin	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-2-09 & 12/29/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,9,15,16,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,9,15,16,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application amendments filed on 2-2-2009. Claims **1, 5, 9, 15, 16, 21, 22** are pending. Claims **2 - 4, 6 - 8, 10 - 14, 17 - 20** have been cancelled. Independent claims are **1, 16**. This application was filed on 9-26-2001.

Response to Arguments

2. Applicant's arguments have been fully considered but were not persuasive.

2.1 Applicant argues *the EPG lineup corresponds to listing of programs*.

The scrolling device is tuned to this listing of programs in the EPG information.

(Rodriquez **Figure 5A**; col 27, ll 48-50: EPG information corresponds to programs' scaled down video pictures displayed in the presentation)

2.2 Applicant argues that the referenced prior art does not disclose, *programs displayed in increasing order from program listing; programs displayed in decreasing order from program listing*.

An EPG is a listing of programs and above response indicates programs displayed are same as **listing of programs in EPG**. The scrolling action disclosed in Rodriquez is an equivalent action to incrementing (scrolling up) or decrementing (scrolling down) through a listing of programs. (Rodriquez col 20, ll 34-41; col 20, ll 46-65: increasing channel line-up order; or decreasing line-up order; col 27, ll 57-64: subscriber can scroll the channels; subscriber can add one new channel to one side of the screen and remove an already displayed channel on the opposite

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side of the screen; col 28, ll 44-52: order can be increasing (or decreasing) line-up order; either clockwise or counter clock wise; subscriber effecting navigation: each scrolling event results in removal of a presented set from the screen and the introduction of a new set)

2.3 Applicant argues *the Bartlett reference*.

Bartlett is not used to disclose a listing of programs used in the incrementing and decrementing display of programs. **Bartlett is used to disclose generating a listing of programs based on viewing preferences.** Rodriquez and Bartlett, together disclose scrolling through a listing of programs generated based on viewing preferences. (see Barrett col. 2, lines 17-22; col. 4, lines 5-10: user preferences used to generate list)

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1, 5, 9, 15, 16** are rejected under 35 U.S.C. 102(e) as being anticipated by **Rodriquez et al.** (US Patent No. **7,373,650**).

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Regarding Claim 1, Rodriquez discloses a receiver of data originating from many programs, the receiver comprising:

an input device for receiving a plurality of programs simultaneously; (Rodriquez col 2, ll 58-61: DHCT (input device) where each tuner can select one of a plurality of transmission channels (receive multiple programs); col 2, line 65: tune simultaneously)

a plurality of program receiving devices coupled to the input device; (Rodriquez col 2, ll 58-66: DHCT (input device) includes a plurality of tuners (receiving devices), to tune simultaneously to multiple channels and content; col 18, ll 24-28: DHCT (input device) which includes the usage of multiple tuners (receiving devices))

a controller operatively coupled to each of said plurality of program receiving devices, said controller controlling said plurality of program receiving devices to respectively tune to contiguous programs in said plurality of programs; (Rodriquez col 11, ll 9-12: CPU 110 (controller) controls the functions of the DHCT; col 2, ll 58-61: DHCT where each tuner (program receiving devices) can select one of a plurality of transmission channels (contiguous programs); col 18, lines 24-28: the use of multiple tuners (receiving devices); each of which receives a respective transmitted signal (channels))

a reproduction device for reproducing programs; (Rodriquez col 14, ll 24-29: output port to drive a VCR (program reproduction unit))

a switch coupled to respective outputs of said plurality of program receiving devices, and to an input of the reproduction device, said switch being controlled by

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said controller to apply the output of one of said plurality of program receiving devices to said reproduction device; (Rodriquez col 10, lines 55-60: after a tuner selects a transmission channel input data is forwarded to hardware 114 (switch) comprising circuitry for processing incoming signals; col 3, ll 57-63: DHCT; plurality of tuners; an output port for transmission of each of the respective transmission channels)

a user interface coupled to said controller for selectively displaying a listing of programs to which the plurality of program receiving devices are tuned, in which a central program in said listing corresponds to the program currently being displayed on said reproduction device; (Rodriquez col 12, l 55 - col 13, l 2: window manager for display of video pictures and program information)

a user control for incrementally selecting a next desired program to be displayed from said listing of programs (Rodriquez col 28, ll 25-28: remote control (user control) to scroll the channels),

wherein each time said user control increments by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the lowest program in said listing to tune to the next higher program of said plurality of programs to be included in said listing (Rodriquez col 20, ll 9-22: presentation achieves perceived animated scroll; col 20, ll 34-41; col 20, ll 46-65: increasing channel line-up order; or decreasing line-up order; col 28, ll 44-52: order can be

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increasing (or decreasing) line-up order; either clockwise or counter clock wise; subscriber effecting navigation: each scrolling event results in removal of a presented set from the screen and the introduction of a new set), and each time said user control decrements by one program to a next desired program to be displayed from said listing of programs, said controller controls the switch to select the corresponding program receiving device, and causes the program receiving device tuned to the highest program in said listing to tune to the next lower program of said plurality of programs to be included in said listing. (Rodriquez col 20, ll 9-22: presentation achieves perceived animated scroll; col 20, ll 34-41; col 20, ll 46-65: increasing channel line-up order; or decreasing line-up order; col 28, ll 44-52: order can be decreasing (or increasing) line-up order; either clockwise or counter clock wise; subscriber effecting navigation: each scrolling event results in removal of a presented set from the screen and the introduction of a new set)

Regarding Claim 5, Rodriquez discloses the receiver as claimed in claim 1, characterized in that the plurality of programs comes from the Internet. (Rodriquez col 3, ll 21-24: receive data representative of other types of data (Internet); col. 7, lines 31-33: channels may carry television signals, Internet data)

Regarding Claim 9, Rodriquez discloses the receiver as claimed in claim 1, wherein each of the plurality of program receiving devices processes a program received from

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the input device. (Rodriquez col 3, ll 12-16: can view multiple television stations and program content simultaneously; col 15, ll 5-9: displayed with moving pictures of one or more programs)

Regarding Claim 15, Rodriquez discloses the receiver as claimed in claim 1, wherein the user interface causes the controller to rotate the program from one of the program receiving devices to another of the program receiving devices. (Rodriquez col 27, ll 34-38; col 28, lines 25-28: subscriber can scroll the channels through the use of a remote control)

Regarding Claim 16, Rodriquez discloses a method comprising the steps of:

receiving a plurality of programs; (Rodriquez col 3, ll 12-16: can view multiple television stations and program content simultaneously; col 15, ll 5-9: displayed with moving pictures of one or more programs)

providing, simultaneously to each of a plurality of receiving devices, a respective one of the plurality of programs; (Rodriquez col 2, ll 58-66: DHCT includes a plurality of tuners (receiving devices), to tune simultaneously to multiple channels and content; col 18, ll 24-28: DHCT (input device) which includes` the usage of multiple tuners (receiving devices)) and

providing an output from one of the receiving devices to a reproduction element in response to a user selecting one of the programs already being provided to said one of said plurality of receiving devices (Rodriquez col 14, ll 24-29: output port to

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drive a VCR (program reproduction unit)),

wherein said providing an output step includes the sub-steps of:

causing said plurality of receiving devices to respectively tune to contiguous programs in said plurality of programs; (Rodriquez col 2, ll 58-61: DHCT where each tuner (program receiving devices) can select one of a plurality of transmission channels (contiguous programs): col 18, lines 24-28: the use of multiple tuners (receiving devices); each of which receives a respective transmitted signal (contiguous programs, channels))

displaying a listing of programs to which said plurality of receiving devices are tuned in which a central program in said listing corresponds to the program currently being displayed; (Rodriquez col 28, ll 44-52: picture-in-picture display of program information and currently tuned TV station)

enabling a user to each time increment by one program in the listing to a next program to be displayed, while causing the receiving device tuned to the lowest of the programs in the listing to tune to the next higher program of the plurality of programs; (Rodriquez col 20, ll 9-22: presentation achieves perceived animated scroll; col 20, ll 34-41; col 20, ll 46-65: increasing channel line-up order; or decreasing line-up order; col 27, ll 57-64: subscriber can scroll the channels; subscriber can add one new channel to one side of the screen and remove an already displayed channel on the opposite side of the screen; col 28, ll 44-52: order can be increasing (or decreasing) line-up order; either clockwise or counter clockwise; subscriber effecting navigation: each scrolling event results in removal of a

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presented set from the screen and the introduction of a new set) and

enabling a user to each time decrement by one program in the listing to a next program to be displayed, which causing the receiving device tuned to the highest program in the listing to tune to the next lower program of the plurality of programs.

(Rodriquez col 20, ll 9-22: presentation achieves perceived animated scroll; col 20, ll 34-41; col 20, ll 46-65: increasing channel line-up order; or decreasing line-up order; col 28, ll 44-52: order can be decreasing (or increasing) line-up order; either clockwise or counter clock wise; subscriber effecting navigation: each scrolling event results in removal of a presented set from the screen and the introduction of a new set)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **21, 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rodriquez** in view of **Barrett et al.** (US Patent No. **6,005,597**).

Regarding Claim 21, Rodriquez discloses the receiver as claimed in claim 1, wherein the controller uses viewing preferences of a user. (Rodriquez col 12, ll 16-33: customize view by entering an interactive configuration session that results in

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preferences selection and storing such preferences) Rodriguez does not explicitly disclose generating list of programs based on viewing preferences. However, Barrett discloses wherein generating a list of programs from said plurality of programs based on viewing preferences of a user. (see Barrett col. 2, lines 17-22; col. 4, lines 5-10: user preferences used to generate list)

It would have been obvious to one of ordinary skill in the art to modify Rodriguez for generating a list of programs based on viewing preferences as taught by Barrett. One of ordinary skill in the art would have been motivated to employ the teachings of Barrett in order to allow a television viewer to quickly and conveniently identify the available programs in which the viewer has the greatest interest and allowing the viewer to quickly select the program of greatest interest for viewing. (Barrett col. 2, lines 9-13)

Regarding Claim 22, Rodriguez discloses the method as claimed in claim 16, wherein a list of programs based on viewing preferences of a user. (Rodriguez col 12, ll 16-33: customize view by entering an interactive configuration session that results in preferences selection and storing such preferences)

Barrett discloses wherein a list of programs to be applied to said receiving devices is generated based on viewing preferences of a user as stated in Claim 21 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung Hye Shin whose telephone number is (571)272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L. Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyung Hye Shin
Examiner
Art Unit 2443

KHS
May 9, 2009

/Tonia LM Dollinger/

Supervisory Patent Examiner, Art Unit 2443